

## CHAPTER 43

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 21-1072**

BY REPRESENTATIVE(S) Froelich, Bacon, Benavidez, Bernett, Bird, Caraveo, Cutter, Duran, Esgar, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Michaelson Jenet, Mullica, Ricks, Roberts, Sirota, Sullivan, Tipper, Titone, Valdez A., Woodrow, Young;  
also SENATOR(S) Fields and Jaquez Lewis, Buckner, Danielson, Fenberg, Ginal, Kolker, Moreno, Pettersen, Story, Winter, Zenzinger, Garcia.

**AN ACT**

**CONCERNING EQUAL ACCESS TO SERVICES RELATED TO OUT-OF-HOME PLACEMENTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 19-1-130 as follows:

**19-1-130. Access to services related to out-of-home placement - definitions.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GENDER EXPRESSION" MEANS A PERSON'S WAY OF REFLECTING AND EXPRESSING THEIR GENDER TO THE OUTSIDE WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND BEHAVIOR.

(b) "GENDER IDENTITY" MEANS A PERSON'S INNATE SENSE OF THE PERSON'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE PERSON'S SEX AS ASSIGNED AT BIRTH.

(c) "PLACEMENT-RELATED SERVICE" MEANS ANY PROGRAM, BENEFIT, OR SERVICE RELATED TO OUT-OF-HOME PLACEMENT, INCLUDING ADOPTION, KINSHIP CARE, FOSTER CARE HOMES, AND PRIVATE CHILD PLACEMENT, OR A BENEFIT OR SERVICE DESCRIBED IN TITLE 26 THAT IS RELATED TO OUT-OF-HOME PLACEMENT, PROVIDED BY THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH ENTITY, OR A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES SUCH PROGRAM, BENEFIT, OR SERVICE ON BEHALF OF THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

AGENCY, OR ANY OTHER SUCH ENTITY. PLACEMENT-RELATED SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO, PURSUING ADOPTION OR ANY OTHER CHILD PLACEMENT; PROVIDING EARLY INTERVENTION SERVICES, OUT-OF-HOME PLACEMENT PREVENTION SERVICES, OR FAMILY PRESERVATION SERVICES; OR ANY SERVICE RELATED TO LICENSING OR TRAINING FOR CHILD CARE CENTERS, ADOPTIVE OR FOSTER PARENTS, OR KINSHIP CARE. THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH ENTITY IS NOT REQUIRED TO CONTRACT WITH OR ACCESS A PLACEMENT-RELATED SERVICE OUTSIDE THE CURRENT PLACEMENT-RELATED SERVICES THAT ARE UTILIZED BY THAT SPECIFIC ENTITY.

(d) "SERVICE PROVIDER" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR A CHILD PLACEMENT AGENCY. "SERVICE PROVIDER" INCLUDES A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES PLACEMENT-RELATED SERVICES ON A SERVICE PROVIDER'S BEHALF.

(2) A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO PROVIDE PLACEMENT-RELATED SERVICES SHALL PROVIDE TO EACH INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER REQUESTING SERVICES, INCLUDING A SERVICE PROVIDER UNDER INVESTIGATION BY THE STATE DEPARTMENT OF HUMAN SERVICES OR ITS DESIGNEE FOR A VIOLATION OF THIS SECTION, FAIR AND EQUAL ACCESS TO ALL AVAILABLE PLACEMENT-RELATED SERVICES OFFERED BY THE SERVICE PROVIDER. SERVICE PROVIDERS THAT PROVIDE SPECIALIZED PLACEMENT-RELATED SERVICES TO SPECIFIC POPULATIONS ARE NOT REQUIRED TO PROVIDE SERVICES OUTSIDE THE SCOPE OF THEIR SPECIALIZED SERVICE OR THEIR SPECIFIC POPULATION IF THE SPECIALIZATION SERVES A SPECIFIC TREATMENT-RELATED PURPOSE.

(3) IN ADDITION TO ANY RESTRICTIONS SET FORTH IN SECTION 24-34-805 (2)(b), A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO PROVIDE PLACEMENT-RELATED SERVICES SHALL NOT:

(a) DENY ANY PERSON THE OPPORTUNITY TO BECOME AN ADOPTIVE OR A FOSTER PARENT SOLELY ON THE BASIS OF A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE PERSON OR A MEMBER OF THE PERSON'S HOUSEHOLD. ANY DENIAL TO CARE FOR A SPECIFIC CHILD OR YOUTH THAT INCLUDES ONE OF THESE FACTORS AS THE BASIS FOR THE DENIAL MUST BE DOCUMENTED, MUST HAVE A CLEAR NEXUS TO THE ABILITY TO MEET THE NEEDS OF THE CHILD OR YOUTH, AND THE DENIAL TO CARE MUST NOT BE DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH.

(b) DELAY OR DENY THE PLACEMENT OF A CHILD OR YOUTH FOR ADOPTION OR INTO FOSTER CARE ON THE BASIS OF A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH, UNLESS THE DELAY OR DENIAL OF THE PLACEMENT IS NOT DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH;

(c) REQUIRE DIFFERENT OR ADDITIONAL SCREENINGS, PROCESSES, OR

PROCEDURES FOR ADOPTIVE OR FOSTER PLACEMENT DECISIONS SOLELY ON THE BASIS OF THE FOLLOWING, UNLESS SUCH SCREENINGS, PROCESSES, OR PROCEDURES ARE NECESSARY TO DETERMINE IF THE PLACEMENT IS DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH:

(I) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE PROSPECTIVE ADOPTIVE OR FOSTER PARENT; OR

(II) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH INVOLVED; OR

(d) SUBJECT A CHILD OR YOUTH IN FOSTER CARE OR AN INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER TO DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, WHEN PROVIDING ANY PLACEMENT-RELATED SERVICE.

(4) (a) A SERVICE PROVIDER SHALL PROVIDE PLACEMENT-RELATED SERVICES IN A MANNER THAT IS CULTURALLY RESPONSIVE TO THE COMPLEX SOCIAL IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES. COMPLEX SOCIAL IDENTITIES INCLUDE BUT ARE NOT LIMITED TO RACE, ETHNICITY, NATIONALITY, AGE, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, SOCIOECONOMIC STATUS, PHYSICAL OR COGNITIVE ABILITY, LANGUAGE, BELIEFS, VALUES, BEHAVIOR PATTERNS, AND CUSTOMS. NOTHING IN THIS SUBSECTION (4) MAY BE USED TO CAUSE THE DELAY OR DENIAL OF AN OUT-OF-HOME PLACEMENT OF A CHILD OR YOUTH, UNLESS THE DELAY OR DENIAL OF THE PLACEMENT IS NOT DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH.

(b) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL DETERMINE WHETHER PLACEMENT-RELATED SERVICES ARE PROVIDED IN A MANNER THAT IS CULTURALLY RESPONSIVE TO THE COMPLEX SOCIAL IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES.

(5) NOTHING IN THIS SECTION DIMINISHES THE PROTECTIONS AFFORDED TO A PARENT, PROSPECTIVE PARENT, CHILD OR YOUTH WITH A DISABILITY, AS DESCRIBED IN SECTIONS 19-3-208, 19-5-100.2, AND 24-34-805.

**SECTION 2.** In Colorado Revised Statutes, **add** 19-7-104 as follows:

**19-7-104. Subjects included within training for certified foster parents - rules.** (1) RULES PROMULGATED BY THE STATE DEPARTMENT OF HUMAN SERVICES THAT PRESCRIBE TRAINING FOR FOSTER CARE PARENTS PRIOR TO PLACEMENT OF A CHILD OR YOUTH MUST INCLUDE TRAINING ON THE FOLLOWING SUBJECTS:

(a) THE EFFECTS OF CHILD ABUSE AND NEGLECT ON CHILD DEVELOPMENT;

(b) HEALTH ISSUES IN FOSTER CARE, INCLUDING HEALTH SERVICES AVAILABLE TO CHILDREN AND YOUTH IN FOSTER CARE;

(c) THE RIGHT OF A CHILD OR YOUTH IN FOSTER CARE TO HAVE FAIR AND EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE, TREATMENT, AND BENEFITS, AND TO NOT BE SUBJECTED TO DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH;

(d) THE RIGHTS OF SIBLINGS IN FOSTER CARE, AS SET FORTH IN SECTION 19-7-203; AND

(e) UNDERSTANDING THE ROLE OF A CHILD WELFARE EDUCATION LIAISON, AS DESCRIBED IN SECTION 22-32-138 (2).

(2) RULES PROMULGATED BY THE STATE DEPARTMENT OF HUMAN SERVICES THAT PRESCRIBE POST-PLACEMENT ANNUAL TRAINING FOR FOSTER CARE PARENTS MUST INCLUDE TRAINING ON THE FOLLOWING SUBJECTS:

(a) HEALTH ISSUES IN FOSTER CARE;

(b) THE IMPORTANCE OF CHILD AND YOUTH SELF-ESTEEM;

(c) EMANCIPATION AND INDEPENDENT LIVING SKILLS, AS APPROPRIATE;

(d) THE RIGHTS OF SIBLINGS IN FOSTER CARE, AS SET FORTH IN SECTION 19-7-203; AND

(e) THE RIGHT OF A CHILD OR YOUTH IN FOSTER CARE TO HAVE FAIR AND EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE, TREATMENT, AND BENEFITS, AND NOT BE SUBJECTED TO DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH.

(3) NOTHING IN THIS SECTION PRECLUDES THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FROM REQUIRING FOSTER PARENT TRAINING IN EXCESS OF THE REQUIREMENTS IN THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend** (2)(q)(I) introductory portion and (2)(q)(I)(C); and **add** (2)(q)(I)(E) as follows:

**26-6-106. Standards for facilities and agencies - rules.** (2) Standards prescribed by such rules are restricted to:

(q)(I) Standards for the training of foster care parents, which ~~shall~~ **must** include, at a minimum:

(C) In addition to the hours described in ~~sub-subparagraph (B) of this subparagraph (I)~~ SUBSECTION (2)(q)(I)(B) OF THIS SECTION, twelve hours per year for foster care parents providing therapeutic foster care; ~~and~~

(E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 19, 2021